

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

PEPSICO SALES, INC., a Delaware  
corporation,

Defendants.

NO. 2:22-cv-00703-MJP

STIPULATION AND ORDER FOR  
DISMISSAL WITH PREJUDICE

THE PARTIES above named, through their attorneys, Russell J. Reid and Thomas A. Leahy of Reid, McCarthy, Ballew & Leahy, L.L.P., attorneys for Plaintiff, and Molly Gabel of Seyfarth Shaw LLP, attorneys for Defendant, Pepsico Sales, Inc., hereby stipulate that the above-referenced action should be dismissed, with prejudice, and with each party bearing its own attorneys' fees and costs. This Stipulation shall not foreclose Plaintiff or the Trust, based on res judicata principles or other legal principles, from collecting additional contributions, liquidated damages, interest and attorneys' fees for the time period encompassed by this action, December 2021 through March 2022, if a future audit or some other source reveals that Defendant owes the Plaintiff additional amounts for said period, or from collecting

contributions, liquidated damages, interest, attorneys' fees and costs for any period other than December 2021 through March 2022.

DATED this 3<sup>rd</sup> day of July, 2023.

REID, McCARTHY, BALLEW & LEAHY.  
L.L.P

SEYFARTH SHAW LLP

s/Russell J. Reid

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Attorney for Defendant

### ORDER OF DISMISSAL

Based on the foregoing Stipulation of Plaintiff and Defendant,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this action shall be and is hereby dismissed with prejudice and that each party shall bear its own attorneys' fees and costs of suit. This Order shall not foreclose Plaintiff or the Trust, based on res judicata principles or other legal principles, from collecting additional contributions, liquidated damages, interest and attorneys fees for the time period encompassed by this action, December 2021 through March 2022, if a future audit or some other source reveals that Defendant owes the Plaintiff additional amounts for said period, or from collecting contributions, liquidated

damages, interest, attorney's fees and costs for any period other than December 2021 through March 2022.

ORDER ENTERED this 3rd day of July, 2023.



MARSHA J. PECHMAN  
United States Senior District Judge

Submitted for Entry:

REID, McCARTHY, BALLEW & LEAHY, L.L.P.

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